

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

Crl.MC.No. 3190 of 2007()

CC.154/2006 of CHIEF JUDL.MAGISTRATE, ERNAKULAM
.....

PETITIONER: ACCUSED:

1. M/S. AMRITHA IMPORTS & EXPORTS, 34,
P & T COLONY, R.T.NAGAR, BANGALORE-560 032,
KARNATAKA REPRESENTED BY ITS PROPRIETOR
SRI.RAMASWAMY N.
2. MR. RAMASWAMY N., AGED ABOUT 65,
AMRITHA IMPORTS & EXPORTS 34, P & T COLONY,
R.T.NAGAR, BANGALORE-560 032, KARNATAKA.
3. MR. NARAYANAN R., AGED ABOUT 35,
S/O. RAMASWAMY, RESIDING AT 27/14,C.V.RAMAN ROAD,
ALWARPET, CHENNAI-18, TAMIL NADU.

BY ADV. SRI.S.EASWARAN

RESPONDENTS: COMPLAINANT & STATE:

1. M/S. STRATEGI EXPORTS (INDIA) PVT. LTD.,
SOLE REPRESENTATIVES OF M/S.LOUIS DREYFUS TRADING
LTD.,COFFE DIVN.QUEENSBURY HOUSE,OLD BURLINGTON
STREET,LONDON W1S 3LD NO.774,1ST FLOOR,DOUBLE ROAD
INDIRANAGAR 2ND STAGE,BNGLRE-38,BR.OFFICE,KOCHI-16
REP.BY DIR.,SRI JOHN THOMAS,S/O.LATE K.M.THOMAS.
2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI.GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

Crl.M.C. No. 3190 OF 2007

Dated this the 17th day of October, 2007

ORDER

After discussions at the Bar, the learned counsel for the petitioners submits that in view of Annexure-A3 order passed by this Court, it will be appropriate for the petitioners to request the learned Magistrate at the appropriate stage under Sec.259 of the Cr.P.C. to convert the proceedings into a warrant trial procedure and pass appropriate orders under Sec.245(2) of the Cr.P.C. The petitioners can make appropriate request before the learned Magistrate to that effect. Needless to say, the learned Magistrate must make every endeavour to ensure that the directions of this Court are carried out notwithstanding the fact that this Court was not apprised earlier of the fact that cognizance was taken only under Sec.417 of the IPC.

Crl.M.C. No. 3190 OF 2007 -: 2 :-

2. With the above observations, this Crl.M.C. is dismissed.

3. Hand over a copy of this order to the learned counsel for the petitioners.

(R. BASANT, JUDGE)

Nan/